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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,407	10/28/2003	Fumihiko Murase	01-495	9228
23400 7590 08/21/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER ARMSTRONG, ANGELA A	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,407

Applicant(s)

MURASE ET AL.

Examiner

ANGELA A. ARMSTRONG

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed May 7, 2008, amending claims 1, 2, 7, and 10-19 and adding claims 20-33.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 4, 12, 15, 20, 23, 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kryze et al. [US Patent 6,907,397].
4. Regarding claim 1, Kryze describes a system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology: a reproduction system wherein, when a control unit retrieves a given group of pieces of information that corresponds to a search and is a subset of a plurality of pieces of information, the control unit designates a given one of the given group to control a reproducing unit for reproducing the given one; and comprising the reproducing unit for reproducing a piece of information designated from a plurality of stored pieces of information that can be reproduced; and comprising a speech recognition unit for inputting a speech and for recognizing and decomposing the inputted speech; and comprising the control unit for retrieving a piece of information that corresponds to a search and for controlling the reproducing unit for reproducing the retrieved piece of information [at column 1, lines 39-67, as an embedded device for playing media files wherein, when the device for retrieving selected media files that were selected as results of a search and they are a subset of the media files from a user location, the media file selector selecting the media file and the media file player playing it; and the media file player for

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playing the selected media file that was selected from media files from a user location of media files for playing; and a speech recognizer for comparing received, input speech to speech recognition grammars, thereby selecting the media file; and the media file selector for retrieving the selected media file that was selected by speech driven search and the media file player for playing the retrieved media file]; the reproduced pieces are stored in a storing unit for storing the plurality of pieces of information [at column 2, lines 45-47, as the data store of downloaded media files for future access]; the inputted speech is recognized and decomposed into words to be recognized as the a recognition result [at column 4, lines 13-25, as user input speech corresponding to recognition of keywords, such as "all songs"]; the correspondence to the search is to a search word from the stored pieces of information [at column 4, lines 2-4, as the file associated with the grammar is stored in a data store]; the control unit for designating the search word from the recognized words sent by the speech recognition unit [at column 4, lines 22-39, as designating a search string based on recognition of keywords as search terms for slots]; the control for reproducing occurs instantaneously without receiving any input from the user for designating one of the given group of pieces of information [at column 5, lines 9-11, as once the temporary play list is constructed, the method exits selection mode and automatically enters a play mode – the user does not have to select one of the items from the playlist for the system to start playing songs from the list since the system is designed for the playback to begin automatically].

5. Regarding claim 4, Kryze also describes: when designated, the given one is randomly designated [at column 6, lines 6-7, as a song was randomly selected].

6. Regarding claim 12, Kryze also describes: each of the plurality of pieces of information includes information of a musical composition [see Fig. 1, items 112, ROCK SONGS, POP HITS, JAZZ, TECHNO, and HEAVY METAL].
7. Claim 15 sets forth a method with limitations comprising the functionality associated with using the apparatus recited in claim 1. Kryze describes those similar limitations as indicated there.
8. Regarding claim 20, Kryze describes a system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology: a reproduction system wherein, when a retrieval unit retrieves a given group of pieces of information that corresponds to a search and is a subset of a plurality of pieces of information, the word designation unit designates a given one of the given group to control a reproducing unit for reproducing the given one; and comprising the reproducing unit for reproducing a piece of information designated from a plurality of stored pieces of information that can be reproduced; and comprising a speech recognition unit for inputting a speech and for recognizing and decomposing the inputted speech; and comprising the retrieval unit for retrieving a piece of information that corresponds to a search and for controlling the reproducing unit for reproducing the retrieved piece of information [at column 1, lines 39-67, as an embedded device for playing media files wherein, when the device for retrieving selected media files that were selected as results of a search and they are a subset of the media files from a user location, the media file selector selecting the media file and the media file player playing it; and the media file player for playing the selected media file that was selected from media files from a user location of media files for playing; and a speech recognizer for comparing received, input speech

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to speech recognition grammars, thereby selecting the media file; and the media file selector for retrieving the selected media file that was selected by speech driven search and the media file player for playing the retrieved media file]; the reproduced pieces are stored in a storing unit for storing a plurality of pieces of information [at column 2, lines 45-47, as the data store of downloaded media files for future access]; the inputted speech is recognized and decomposed into words to be recognized as the a recognition result [at column 4, lines 13-25, as user input speech corresponding to recognition of keywords, such as "all songs"]; the word designating unit for designating the search word from the recognized words sent by the speech recognition unit [at column 4, lines 22-39, as designating a search string based on recognition of keywords as search terms for slots]; the command unit for reproducing occurs instantaneously without receiving any input from the user for designating one of the given group of pieces of information [at column 5, lines 9-11, as once the temporary play list is constructed, the method exits selection mode and automatically enters a play mode – the user does not have to select one of the items from the playlist for the system to start playing songs from the list since the system is designed for the playback to begin automatically].

9. Regarding claim 23, Kryze also describes: when designated, the given one is randomly designated [at column 6, lines 6-7, as a song was randomly selected].

10. Regarding claim 31, Kryze also describes: each of the plurality of pieces of information includes information of a musical composition [see Fig. 1, items 112, ROCK SONGS, POP HITS, JAZZ, TECHNO, and HEAVY METAL].

Regarding claim 33, Kryze describes a system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following

terminology: a reproduction system wherein, when a retrieval unit retrieves a given group of pieces of information that corresponds to a search and is a subset of a plurality of pieces of information, the word designation unit designates a given one of the given group to control a reproducing unit for reproducing the given one; and comprising the reproducing unit for reproducing a piece of information designated from a plurality of stored pieces of information that can be reproduced; and comprising a speech recognition unit for inputting a speech and for recognizing and decomposing the inputted speech; and comprising the retrieval unit for retrieving a piece of information that corresponds to a search and for controlling the reproducing unit for reproducing the retrieved piece of information [at column 1, lines 39-67, as an embedded device for playing media files wherein, when the device for retrieving selected media files that were selected as results of a search and they are a subset of the media files from a user location, the media file selector selecting the media file and the media file player playing it; and the media file player for playing the selected media file that was selected from media files from a user location of media files for playing; and a speech recognizer for comparing received, input speech to speech recognition grammars, thereby selecting the media file; and the media file selector for retrieving the selected media file that was selected by speech driven search and the media file player for playing the retrieved media file]; the reproduced pieces are stored in a storing unit for storing a plurality of pieces of information [at column 2, lines 45-47, as the data store of downloaded media files for future access]; the inputted speech is recognized and decomposed into words to be recognized as the a recognition result [at column 4, lines 13-25, as user input speech corresponding to recognition of keywords, such as "all songs"]; the word designating unit for designating the search word from the recognized words sent by the speech recognition unit

[at column 4, lines 22-39, as designating a search string based on recognition of keywords as search terms for slots]; a combination information storing unit for storing a plurality of pieces of information [at column 2, line 55-column 3, line 3, as the data store can store the index the includes recognition grammars, descriptive text, supplemental information, trivia, and user-entered voice bindings]; the command unit for reproducing occurs instantaneously without receiving any input from the user for designating one of the given group of pieces of information [at column 5, lines 9-11, as once the temporary play list is constructed, the method exits selection mode and automatically enters a play mode – the user does not have to select one of the items from the playlist for the system to start playing songs from the list since the system is designed for the playback to begin automatically].

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Kryze and Weintraub

11. Claims 11, 16, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Weintraub [US Patent 5,842,163], newly cited.
12. Regarding claim 11, Kryze also describes: a combination information storing unit for storing a plurality of pieces of information [at column 2, line 55-column 3, line 3, as the data store can store the index the includes recognition grammars, descriptive text, supplemental information, trivia, and user-entered voice bindings]; the pieces relate to combination among

words [at column 4, lines 22-40, as the keywords form a plurality of hypotheses designated by certain keywords, a first slot, and subsequent slots]; wherein, when the combination information is not included in the storing unit, the speech recognition unit executes never sending the recognized words to the control unit (or other) [see Fig. 4, items 404, 410, 412, and their descriptions, especially at column 4, lines 33-57, when recognition hypotheses for first slot and subsequent slots are compared to grammar of available files and fails to find good matches, return to RECEIVE INPUT SPEECH]. Kryze does not teach the recognition unit outputs a recognition result candidate having likelihood data indicating a degree of likelihood. However, implementation of a degree of likelihood for recognition candidates was well known in the art. Weintraub discloses method and apparatus for computing likelihood and hypothesizing keyword appearance in speech, which generates N-best lists and likelihood scores for each word sequence (column 4, lines 50-62) and provides the reason why one of ordinary skill would incorporate the speech recognition N-best likelihood processing of Weintraub in the system of Kryze because the processing has shown to lead to a higher keyword detection rate.

13. Regarding claim 16, Kryze describes a system by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology; a reproduction system comprising a reproducing unit for reproducing a piece of information that can be reproduced and is designated from a plurality of stored pieces of information; and comprising a speech recognition unit for inputting a speech and for recognizing and decomposing the inputted speech; and comprising the control unit for retrieving a piece of information that corresponds to a search and for controlling the reproducing unit for reproducing the retrieved piece of information [at column 1, lines 39-67, as an embedded device for playing

media files wherein, when the device for retrieving selected media files that were selected as results of a search and they are a subset of the media files from a user location, the media file selector selecting the media file and the media file player playing it; and the media file player for playing the selected media file that was selected from media files from a user location of media files for playing; and a speech recognizer for comparing received, input speech to speech recognition grammars, thereby selecting the media file; and the media file selector for retrieving the selected media file that was selected by speech driven search and the media file player for playing the retrieved media file]; the reproduced pieces are stored in a storing unit for storing the plurality of pieces of information [at column 2, lines 45-47, as the data store of downloaded media files for future access]; the inputted speech is recognized and decomposed into words [at column 4, lines 13-25, as user input speech corresponding to recognition of keywords, such as "all songs"]; the correspondence to the search is to a search word from the stored pieces of information [at column 4, lines 2-4, as the file associated with the grammar is stored in a data store]; the control unit for designating the search word from the recognized words sent by the speech recognition unit [at column 4, lines 22-39, as designating a search string based on recognition of keywords as search terms for slots]; a combination information storing unit for storing a plurality of pieces of information [at column 2, line 55-column 3, line 3, as the data store can store the index the includes recognition grammars, descriptive text, supplemental information, trivia, and user-entered voice bindings].

Kryze does not teach the recognition unit outputs a recognition result candidate having likelihood data indicating a degree of likelihood. However, implementation of a degree of likelihood for recognition candidates was well known in the art. Weintraub discloses method

and apparatus for computing likelihood and hypothesizing keyword appearance in speech, which generates N-best lists and likelihood scores for each word sequence (column 4, lines 50-62) and provides the reason why one of ordinary skill would incorporate the speech recognition N-best likelihood processing of Weintraub in the system of Kryze because the processing has shown to lead to a higher keyword detection rate.

Kryze also teaches the pieces relate to combination among words [at column 4, lines 22-40, as the keywords form a plurality of hypotheses designated by certain keywords, a first slot, and subsequent slots]; wherein, when combination among the recognized words is not include in the combination Storing unit, the speech recognition unit executes never sending the recognized words to the control unit (or other) [see Fig. 4, items 404, 410, 412, and their descriptions, especially at column 4, lines 33-57, when recognition hypotheses for first slot and subsequent slots are compared to grammar of available files and fails to find good matches, return to RECEIVE INPUT SPEECH].

14. Regarding claim 19, Kryze describes a method by describing the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology: reproducing method used in a reproduction system that includes a reproducing unit for reproducing a piece of information designated from a plurality of stored pieces of information that can be reproduced; a speech inputting unit for inputting a speech; and comprising steps of recognizing and decomposing the inputted speech; retrieving a piece of information that corresponds to a search and controlling the reproducing unit for designating and reproducing the retrieved piece of information [at column 1, lines 39-67, as playing media files in an embedded device for playing media files having a media file player for playing a selected

media file that was selected from media files from a user location of media files for playing; a speech recognizer for received, input speech]; the designated piece and the reproduced pieces are stored in a storing unit for storing the plurality of pieces of information [at column 2, lines 45-47, as the data store of downloaded media files for future access]; the inputted speech is recognized and decomposed into words [at column 4, lines 13-25, as user input speech corresponding to recognition of keywords, such as "all songs"].

Kryze does not teach the recognition unit outputs a recognition result candidate having likelihood data indicating a degree of likelihood. However, implementation of a degree of likelihood for recognition candidates was well known in the art. Weintraub discloses method and apparatus for computing likelihood and hypothesizing keyword appearance in speech, which generates N-best lists and likelihood scores for each word sequence (column 4, lines 50-62) and provides the reason why one of ordinary skill would incorporate the speech recognition N-best likelihood processing of Weintraub in the system of Kryze because the processing has shown to lead to a higher keyword detection rate.

Kryze also describes a combination information storing unit for storing a plurality of pieces of information [at column 2, line 55-column 3, line 3, as the data store can store the index the includes recognition grammars, descriptive text, supplemental information, trivia, and user-entered voice bindings]; the pieces relate to combination among words [at column 4, lines 22-40, as the keywords form a plurality of hypotheses designated by certain keywords, a first slot, and subsequent slots]; determining whether combination among the recognized words is included in the storing unit, wherein when the combination is not included in the storing unit the recognized words are dealt with by a second procedure wherein the recognized words do not become final

recognized words (or other first procedure) [see Fig. 4, items 404, 410, 412, and their descriptions, especially at column 4, lines 33-57, of when recognition hypotheses for first slot and subsequent slots are compared to grammar of available files and fails to find good matches, return to RECEIVE INPUT SPEECH]; wherein when the combination among the recognized words is included in the storing unit, the recognized words are words are recognized as final recognized words, designating a search word from the final recognized words [at column 4, lines 22-39, as designating a search string based on recognition of keywords as search terms for slots when speech recognition hypotheses are compared to grammar indices of available files]; the correspondence to the search is to a search word from the stored pieces of information [at column 4, lines 2-4, as the file associated with the grammar is stored in a data store].

15. Regarding claim 30, Kryze also describes: a combination information storing unit for storing a plurality of pieces of information [at column 2, line 55-column 3, line 3, as the data store can store the index the includes recognition grammars, descriptive text, supplemental information, trivia, and user-entered voice bindings]; the pieces relate to combination among words [at column 4, lines 22-40, as the keywords form a plurality of hypotheses designated by certain keywords, a first slot, and subsequent slots]; wherein, when the combination information is not included in the storing unit, the speech recognition unit executes never sending the recognized words to the control unit (or other) [see Fig. 4, items 404, 410, 412, and their descriptions, especially at column 4, lines 33-57, when recognition hypotheses for first slot and subsequent slots are compared to grammar of available files and fails to find good matches, return to RECEIVE INPUT SPEECH]. Kryze does not teach the recognition unit outputs a recognition result candidate having likelihood data indicating a degree of likelihood. However,

implementation of a degree of likelihood for recognition candidates was well known in the art. Weintraub discloses method and apparatus for computing likelihood and hypothesizing keyword appearance in speech, which generates N-best lists and likelihood scores for each word sequence (column 4, lines 50-62) and provides the reason why one of ordinary skill would incorporate the speech recognition N-best likelihood processing of Weintraub in the system of Kryze because the processing has shown to lead to a higher keyword detection rate.

Kryze and Fuse

16. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Fuse [Japan Patent Publication 08-195070].
17. Regarding claim 2, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, and retrieving a certain subgroup of pieces of information based on inputted speech. However, Kryze does not explicitly describe accepting a subsequent speech after starting the reproducing, the certain, retrieved subgroup is a subset of a given group, designating one of the certain subgroup, stopping reproducing the given one and instantaneously starting the certain one. Like Kryze, Fuse [at abstract] describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, and retrieving a certain subgroup of pieces of information based on inputted speech. Fuse also describes: accepting a subsequent speech after starting the reproducing, retrieving a certain subgroup of pieces of information, which is a subset of a given group, based on the inputted subsequent speech, designating and instantaneously

reproducing a certain one of the subgroup instead of the given piece of information and stopping reproducing the given one [at DETAILED DESCRIPTION 0012, as a user inputs voice to choose one of the music which flows one by one from a loudspeaker to specify the music which the control section is reproducing when two or more were extracted and the control section will access the music data base to reproduce and perform all of the music in the playback section. As indicated, Fuse shows that accepting subsequent speech to stop music being reproduced and access a music database to play all of a music piece from a group of previously selected music pieces was known to artisans at the time of invention. Fuse [at Detailed Description 0013] also points out that stopping playing a music piece to play an subsequently selected piece has the advantage that the song selection control section would reproduce only the selection based on the inputted speech identification information. To the extent that Kryze does not necessarily include stopping playing a music piece to play an subsequently selected piece based on a subsequently inputted speech, Fuse provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Fuse, at least including accepting a subsequent speech after starting the reproducing, retrieving a certain subgroup of pieces of information, which is a subset of a given group, based on the inputted subsequent speech, designating and instantaneously reproducing a certain one of the subgroup instead of the given piece of information and stopping reproducing the given one, as a capability of Kryze's speech recognition control because then only selection based on the inputted speech identification information would be played for the user.

18. Regarding claim 21, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition

unit accepting speech, instantaneously starting reproducing a given piece of information, and retrieving a certain subgroup of pieces of information based on inputted speech. However, Kryze does not explicitly describe accepting a subsequent speech after starting the reproducing, the certain, retrieved subgroup is a subset of a given group, designating one of the certain subgroup, stopping reproducing the given one and instantaneously starting the certain one. Like Kryze, Fuse [at abstract] describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, and retrieving a certain subgroup of pieces of information based on inputted speech. Fuse also describes: accepting a subsequent speech after starting the reproducing, retrieving a certain subgroup of pieces of information, which is a subset of a given group, based on the inputted subsequent speech, designating and instantaneously reproducing a certain one of the subgroup instead of the given piece of information and stopping reproducing the given one [at DETAILED DESCRIPTION 0012, as a user inputs voice to choose one of the music which flows one by one from a loudspeaker to specify the music which the control section is reproducing when two or more were extracted and the control section will access the music data base to reproduce and perform all of the music in the playback section. As indicated, Fuse shows that accepting subsequent speech to stop music being reproduced and access a music database to play all of a music piece from a group of previously selected music pieces was known to artisans at the time of invention. Fuse [at Detailed Description 0013] also points out that stopping playing a music piece to play an subsequently selected piece has the advantage that the song selection control section would reproduce only the selection based on the inputted speech identification information. To the extent that Kryze does not necessarily include stopping playing a music piece to play an subsequently selected piece based on a subsequently

inputted speech, Fuse provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Fuse, at least including accepting a subsequent speech after starting the reproducing, retrieving a certain subgroup of pieces of information, which is a subset of a given group, based on the inputted subsequent speech, designating and instantaneously reproducing a certain one of the subgroup instead of the given piece of information and stopping reproducing the given one, as a capability of Kryze's speech recognition control because then only selection based on the inputted speech identification information would be played for the user.

Kryze and Kuriki

19. Claims 3, 5, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Kuriki [Japan Patent Publication 11-095788], already of record.

20. Regarding claim 3, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze also describes: designating the given one for the given group based on a degree of matching the search word [at column 4, lines 66-67, as the selection may be dependent on a confidence score]. However, Kryze does not explicitly describe that the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved.

Like Kryze, Kuriki [at abstract] also describes music selection and playback by recognizing inputted speech. Kuriki describes: designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved so that at least the given one can be designated [at MEANS 0016-17, as a music name list is rearranged into order with the count of selection of each music name so that the recognition of a music name can be raised further and only the music name at the top if the music name list is chosen for retrieval and output for the high order of the rearranged music name list]. As indicated, Kuriki shows that designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved so that at least the given one can be designated was known to artisans at the time of invention. Kuriki [at MEANS 0018] also points out that increasing recognition possibility by selecting a song from music names with many counts of song selection has the advantage of raising the recognition precision of a music name. To the extent that Kryze does not necessarily include increasing recognition possibility by selecting a song by a more meticulous criteria of choosing the recognition from songs having a high song selection count, Kuriki provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kuriki, at least including designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces

of information are retrieved, for Kryze's selection of a given piece to start playing back instantaneously because the recognition precision of the song selected for playback could be increased.

21. Regarding claim 5, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze also describes: a more meticulous criterion [at column 4, lines 58-61, as reordering the best matches by popularity based on preference]. However, Kryze does not explicitly describe that the given one is based on a frequency the given one was reproduced. Like Kryze, Kuriki [at abstract] also describes music selection and playback by recognizing inputted speech. Kuriki describes: when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced [at MEANS 0016- 17, as a music name list is rearranged into order with the count of selection of each music name so that the recognition of a music name can be raised further and only the music name at the top if the music name list is chosen for retrieval and output for the high order of the rearranged music name list]. As indicated, Kuriki shows that when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced was known to artisans at the time of invention. Kuriki [at MEANS 0018] also points out that increasing recognition possibility by selecting a song from music names with many counts of song selection has the advantage of raising the recognition precision of a music name. To the extent that Kryze does not necessarily include selecting a song by a

criteria of choosing the recognition from songs having a high song selection count, Kuriki provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kuriki, at least when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced, for Kryze's selection of a given piece to start playing back instantaneously because the recognition precision of the song selected for playback could be increased.

22. Regarding claim 22, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze also describes: designating the given one for the given group based on a degree of matching the search word [at column 4, lines 66-67, as the selection may be dependent on a confidence score]. However, Kryze does not explicitly describe that the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved.

Like Kryze, Kuriki [at abstract] also describes music selection and playback by recognizing inputted speech. Kuriki describes: designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved so that at least the given one can be designated [at

MEANS 0016-17, as a music name list is rearranged into order with the count of selection of each music name so that the recognition of a music name can be raised further and only the music name at the top if the music name list is chosen for retrieval and output for the high order of the rearranged music name list]. As indicated, Kuriki shows that designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved so that at least the given one can be designated was known to artisans at the time of invention. Kuriki [at MEANS 0018] also points out that increasing recognition possibility by selecting a song from music names with many counts of song selection has the advantage of raising the recognition precision of a music name. To the extent that Kryze does not necessarily include increasing recognition possibility by selecting a song by a more meticulous criteria of choosing the recognition from songs having a high song selection count, Kuriki provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kuriki, at least including designating a given one for a given group of pieces of information based on a degree of matching the search word, wherein the degree of matching the search word is evaluated with a more meticulous criterion with which the given group of pieces of information are retrieved, for Kryze's selection of a given piece to start playing back instantaneously because the recognition precision of the song selected for playback could be increased.

23. Regarding claim 24, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition

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unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze also describes: a more meticulous criterion [at column 4, lines 58-61, as reordering the best matches by popularity based on preference]. However, Kryze does not explicitly describe that the given one is based on a frequency the given one was reproduced. Like Kryze, Kuriki [at abstract] also describes music selection and playback by recognizing inputted speech. Kuriki describes: when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced [at MEANS 0016- 17, as a music name list is rearranged into order with the count of selection of each music name so that the recognition of a music name can be raised further and only the music name at the top if the music name list is chosen for retrieval and output for the high order of the rearranged music name list]. As indicated, Kuriki shows that when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced was known to artisans at the time of invention. Kuriki [at MEANS 0018] also points out that increasing recognition possibility by selecting a song from music names with many counts of song selection has the advantage of raising the recognition precision of a music name. To the extent that Kryze does not necessarily include selecting a song by a criteria of choosing the recognition from songs having a high song selection count, Kuriki provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kuriki, at least when a given one from a given group of pieces of information is designated, the given one is designated from the group based on a frequency the given one was reproduced, for Kryze's

selection of a given piece to start playing back instantaneously because the recognition precision of the song selected for playback could be increased.

Kryze and Kikuchi

25. Claims 6, 7, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Kikuchi et al. [US Patent Application Publication 200:2/00107740].

26. Regarding claim 6, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze [at column 4, lines 58- 61] also describes that the best matches in the play list can be reordered by some criterion of user preference. However, Kryze does not explicitly describe storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours. Like Kryze, Kikuchi [see Fig 1, items 33b] also describes music selection and playback, with storing the music for playback. Kikuchi also describes: additionally storing a data and an hour when each of a plurality of pieces of information is stored [at 0108, as store the music data in an area together with receipt date and time]; designating a given one of given pieces of information based on the stored dates and hours [at 0208, as arrange the pieces of music in descending order of registration dates]; the pieces are designated for playback [at 0211, as the user reproduces the distributed music data].

As indicated, Kikuchi shows that storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours was known to artisans at the time of invention. Kikuchi [at 0195] also points out that stored registration dates have the advantage that the user can easily select and obtain newly arrived pieces of music. To the extent that Kryze does not necessarily include storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours, Kikuchi provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kikuchi, at least including storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours, as part of Kryze's additional stored descriptions because the user can then easily select, play, and hear newly arrived pieces of music.

27. Regarding claim 7, Kryze and Kikuchi describe and make obvious the claimed limitations in the same way as for claim 6, where Kikuchi [at 0107-8] describes that the registration date is the date on which the user was charged the distribution fee for receipt of the music data].

28. Regarding claim 25, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze [at column 4, lines 58- 61] also describes that the best matches in the play list can be reordered by

some criterion of user preference. However, Kryze does not explicitly describe storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours. Like Kryze, Kikuchi [see Fig 1, items 33b] also describes music selection and playback, with storing the music for playback. Kikuchi also describes: additionally storing a data and an hour when each of a plurality of pieces of information is stored [at 0108, as store the music data in an area together with receipt date and time]; designating a given one of given pieces of information based on the stored dates and hours [at 0208, as arrange the pieces of music in descending order of registration dates]; the pieces are designated for playback [at 0211, as the user reproduces the distributed music data].

As indicated, Kikuchi shows that storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours was known to artisans at the time of invention. Kikuchi [at 0195] also points out that stored registration dates have the advantage that the user can easily select and obtain newly arrived pieces of music. To the extent that Kryze does not necessarily include storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours, Kikuchi provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Kikuchi, at least including storing a date and hour when each piece of information is stored and designating the given one based on the stored dates and hours, as part of Kryze's additional stored descriptions because the user can then easily select, play, and hear newly arrived pieces of music.

29. Regarding claim 26, Kryze and Kikuchi describe and make obvious the claimed limitations in the same way as for claim 25, where Kikuchi [at 0107-8] describes that the registration date is the date on which the user was charged the distribution fee for receipt of the music data].

Kryze and Swillens

30. Claims 8-9 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Swillens et al. [International Publication WO 01/84539].

31. Regarding claim 8, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze [at column 4, lines 58- 61] also describes: when one of the recognized words indicates an operational command for operating the reproductions system, the control unit executes the operational command [at column 5, lines 11-12, as entering a play mode based on the keyword "play" in the speech input]. However, Kryze does not explicitly describe when all the recognized words do no indicate an operational command; the control unit recognizes all the recognized words as candidates from which the search word is designated. Like Kryze, Swillens [at page 2, lines 6-25] also describes a music playback system that is integrated with speech recognition of operational commands and content information, and Swillens describes: when one of the recognized words indicates an operational command for operating the reproductions system, the

control unit executes the operational command [at page 5, lines 29-34, as interpreting "play twice" and "play one" as play a song twice in succession and play another song]; wherein, when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated [at page 6, lines 3-12, as the voice commands consist only of keywords and the system processes the voice input to match is with one of the options available as a search algorithm and starts playing]. As indicated, Swillens shows that when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated was known to artisans at the time of invention. Swillens [at page 1, line 27-page 2, line 5] also points out that use of voice-controllable equipment is enhanced if the voice commands are linked to the information content to be played out, rather than the apparatus. To the extent that Kryze does not necessarily include all the recognized words do not indicate the operational command and the control unit recognizes all the recognized words as candidates from which the search word is designated, Swillens provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Swillens, at least including when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated, so the Kryze does not need the apparatus-specific commands because linking the voice commands to the information content to be played out, rather than the apparatus enhances the use of voice-controllable equipment according to the descriptions of Swillens.

32. Regarding claim 9, Kryze also describes: the operational command includes a reproducing command for reproducing based on a list [at column 5, lines 7-12, as entering a play mode based on the keyword "play" in the speech input for songs added to a play list]; the operational command includes a listing command for listing up a list for reproducing [at column 6, lines 2-4, as the user can state "Add" such that the corresponding play list can be edited]; when the indicated operational command is the listing command and a piece of information is being reproduced, the control unit registers in the list the piece of information that is being reproduced [at column 6, lines 1-7, as in the midst of listening to a play list, the user can state "Add", and the corresponding play list can be edited based on selection of a song that is already playing]; when the indicated operational command is the reproducing command, the control unit reproduces a piece of information in the list based on the list [at column 5, lines 7-12, as entering a play mode based on the keyword "play" in the speech input for songs added to a play list].

33. Regarding claim 27, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech, instantaneously starting reproducing a given piece of information, retrieving a certain subgroup of pieces of information based on inputted speech. Kryze [at column 4, lines 58- 61] also describes: when one of the recognized words indicates an operational command for operating the reproductions system, the control unit executes the operational command [at column 5, lines 11-12, as entering a play mode based on the keyword "play" in the speech input]. However, Kryze does not explicitly describe when all the recognized words do no indicate an operational command; the control unit recognizes all the recognized words as candidates from which the search word is designated. Like Kryze, Swillens [at page 2,

lines 6-25] also describes a music playback system that is integrated with speech recognition of operational commands and content information, and Swillens describes: when one of the recognized words indicates an operational command for operating the reproductions system, the control unit executes the operational command [at page 5, lines 29-34, as interpreting "play twice" and "play one" as play a song twice in succession and play another song]; wherein, when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated [at page 6, lines 3-12, as the voice commands consist only of keywords and the system processes the voice input to match is with one of the options available us a search algorithm and starts playing]. As indicated, Swillens shows that when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated was known to artisans at the time of invention. Swillens [at page 1, line 27-page 2, line 5] also points out that use of voice-controllable equipment is enhanced if the voice commands are linked to the information content to be played out, rather than the apparatus. To the extent that Kryze does not necessarily include all the recognized words do not indicate the operational command and the control unit recognizes all the recognized words as candidates from which the search word is designated, Swillens provides the reason that a person ordinary skill in the art of music playback devices at the time of invention would have found it obvious to include the concepts described by Swillens, at least including when all the recognized words do not indicate the operational command, the control unit recognizes all the recognized words as candidates from which the search word is designated, so the Kryze does not need the apparatus-specific commands because linking the voice commands to the information content to be played out,

rather than the apparatus enhances the use of voice-controllable equipment according to the descriptions of Swillens.

34. Regarding claim 28, Kryze also describes: the operational command includes a reproducing command for reproducing based on a list [at column 5, lines 7-12, as entering a play mode based on the keyword "play" in the speech input for songs added to a play list]; the operational command includes a listing command for listing up a list for reproducing [at column 6, lines 2-4, as the user can state "Add" such that the corresponding play list can be edited]; when the indicated operational command is the listing command and a piece of information is being reproduced, the control unit registers in the list the piece of information that is being reproduced [at column 6, lines 1-7, as in the midst of listening to a play list, the user can state "Add", and the corresponding play list can be edited based on selection of a song that is already playing]; when the indicated operational command is the reproducing command, the control unit reproduces a piece of information in the list based on the list [at column 5, lines 7-12, as entering a play mode based on the keyword "play" in the speech input for songs added to a play list].

Kryze and Narita

35. Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kryze et al. [US Patent 6,907,397] in view of Narita et al. [Japan Patent Publication 2001-318945].

36. Regarding claims 10 and 29, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes a speech recognition unit accepting speech for selecting pieces of information based on one of the recognized words, retrieving a certain subgroup of pieces of information based on inputted

speech. However, does not explicitly describe designating a given group of candidates for one of the recognized words that is a subset of a plurality of candidates, wherein a plurality of search word candidates is designated from the given group of candidates received from the speech recognition unit, and retrieving a certain group of pieces of information that corresponds to at least one of the plurality of search word candidates from the stored pieces of information. Like Kryze, Narita [at DETAILED DESCRIPTION 0006] selects pieces of information in a group based on inputted search strings based on words, and Narita describes: when a speech recognizing unit has a plurality of candidates for one of the recognized words, designating a given group of candidates for one of the recognized words that is a subset of a plurality of candidates [at DETAILED DESCRIPTION 0029, as division processing of the inputted noun phrase, which is decomposition into three word-pairs for three retrieval conditions]; wherein a plurality of search word candidates is designated from the given group of candidates [at DETAILED DESCRIPTION 0030, as choosing only two word-pairs from the three word-pairs set up]; and retrieving a certain group of pieces of information that corresponds to at least one of the plurality of search word candidates from the stored pieces of information [at DETAILED DESCRIPTION 0032 and 0028, as generation of retrieval conditions is performs using the word and the word pair is chosen for the retrieval condition, and the document which agrees on retrieval conditions is extracted from among the registered documents]. As indicated, Narita shows that designating a given group of candidates for one of the recognized words that is a subset of a plurality of candidates, wherein a plurality of search word candidates is designated from the given group of candidates received from the speech recognition unit, and retrieving a certain group of pieces of information that corresponds to at least one of the plurality of search

word candidates from the stored pieces of information was known to artisans at the time of invention. Narita [at DETAILED DESCRIPTION 0033] also points out that decomposing the three words in retrieval conditions of two words loosens retrieval conditions moderately with the advantage that retrieval precision can be raised. To the extent that Kryze does not necessarily include designating a given group of candidates for one of the recognized words that is a subset of a plurality of candidates, wherein a plurality of search word candidates is designated from the given group of candidates received from the speech recognition unit, Narita provides the reason that a person ordinary skill in the art of music reproduction devices at the time of invention would have found it obvious to include the concepts described by Narita, at least including designating a given group of candidates for one of the recognized words that is a subset of a Plurality of candidates, wherein a plurality of search word candidates is designated from the given group of candidates received from the speech recognition unit, and retrieving a certain group of pieces of information that corresponds to at least one of the plurality of search word candidates from the stored pieces of information for Kryze's recognized speech input because retrieval precision can be raised as described by Narita.

Kryze and Takahashi

37. Claims 13, 14, 17, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al. [US Patent 6,907,397] in view of Takahashi et al. [[US Patent Application Publication 2002/0188391].
38. Regarding claims 13 and 32, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. As shown there, Kryze describes selecting pieces of

information, retrieving a certain subgroup of pieces of information, and reproducing a piece of the selected information as music. However, Kryze does not explicitly describe that the reproduction system is provided in a vehicle. Like Kryze, Takahashi [at 0002-7] describes selecting pieces of information, retrieving a certain subgroup of pieces of information, and reproducing a piece of the selected information as music audio, and Takahashi describes: the reproduction system is provided in a vehicle [at 0001, a the information outputting apparatus installed within a car]. As indicated, Takahashi shows that a reproduction system provided in a vehicle was known to artisans at the time of invention. Takahashi [at 0036] also points out that providing the reproductions system in a vehicle has the advantage of performing audio output of the content information that is appropriate for the movement of the vehicle. To the extent that Kryze does not necessarily include providing the reproduction system in a vehicle, Takahashi provides the reason that a person ordinary skill in the art of music reproduction devices at the time of invention would have found it obvious to include the concepts described by Takahashi, at least including providing the reproduction system of Kryze in a vehicle because Kryze's audio output could then be output as appropriate for the movement of the vehicle.

39. Claim 14 sets forth limitations similar to claim 1. Kryze describes the limitations as indicated there. Kryze describes the apparatus embodiment; however, Kryze does not describe other embodiments. In particular, Kryze does not explicitly describe a computer program product that includes a computer useable medium and instruction groups to achieve the functionality of Kryze's embodiment. Like Kryze, Takahashi [at 0002-7] describes selecting pieces of information, retrieving a certain subgroup of pieces of information, and reproducing a piece of

the selected information as music audio, and Takahashi describes: a computer program product that includes a computer useable medium and instruction groups to achieve the functionality [at claim 17, as a program storage device readable by a computer for tangibly embodying a program of instructions executable by a computer to perform a method]. To the extent that a computer-useable medium and instruction groups are not necessarily in Kryze's system, it would have been obvious to one of ordinary skill in the art of implementing functional descriptions of operations at the time of invention to include the concept of executable media used with executable program instructions to implement the processing functions of Kryze because that would have provided the best implementation under particular circumstances identified and evaluated by a skilled artisan. For example, it is within the ordinary skill of an artisan to determine that software elements, such as Takahashi's concept, benefits changing processing functions or adding other processing functions because software elements are more easily modified than hardware elements.

40. Regarding claim 17, Kryze describes the included claim elements by dependency as indicated elsewhere in this Office action. The claim sets forth additional limitations similar to limitations set forth in claim 13, and Takahashi describe and make obvious the additional limitations as indicated there.

Kryze, Weintraub and Takahashi

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over et al. [US Patent 6,907,397] in view of Weintraub [US Patent No. 5,842,163] and further in view of Takahashi et al. [[US Patent Application Publication 2002/0188391].

41. Claim 18 sets forth limitations similar to claim 19. Kryze describes the limitations as indicated there. Kryze describes the apparatus embodiment; however, Kryze does not describe other embodiments. In particular, Kryze does not explicitly describe a computer program product that includes a computer useable medium and instruction groups to achieve the functionality of Kryze's embodiment. Like Kryze, Takahashi [at 0002-7] describes selecting pieces of information, retrieving a certain subgroup of pieces of information, and reproducing a piece of the selected information as music audio, and Takahashi describes: a computer program product that includes a computer useable medium and instruction groups to achieve the functionality [at claim 17, as a program storage device readable by a computer for tangibly embodying a program of instructions executable by a computer to perform a method]. To the extent that a computer-useable medium and instruction groups are not necessarily in Kryze's system, it would have been obvious to one of ordinary skill in the art of implementing functional descriptions of operations at the time of invention to include the concept of executable media used with executable program instructions to implement the processing functions of Kryze because that would have provided the best implementation under particular circumstances identified and evaluated by a skilled artisan. For example, it is within the ordinary skill of an artisan to determine that software elements, such as Takahashi's concept, benefits changing processing functions or adding other processing functions because software elements are more easily modified than hardware elements.

Response to Arguments

42. Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive. Applicant argues Kryze does not teach the control unit designates a given one from the given group of pieces of information without receiving any input from the user for designating one of the given group of pieces of information, to thereby instantaneously control the reproducing unit for reproducing the given one designated from the given group. The Examiner respectfully disagrees and argues the control for reproducing occurs instantaneously without receiving any input from the user for designating one of the given group of pieces of information is taught by Kryze at column 5, lines 9-11, as once the temporary play list is constructed, the method exits selection mode and automatically enters a play mode – the user does not have to select one of the items from the playlist for the system to start playing songs from the list since the system is designed for the playback to begin automatically without further intervention from the user.

Applicant's arguments with respect to claims 16, 18, and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/
Primary Examiner, Art Unit 2626

